

October 17, 2006

Office of the General Council
Federal Election Commission
999 E Street, NW
Washington, D.C. 20463

Re: Complaint against Sen. Conrad Burns

MUR # 5860

Gentlemen:

At approximately 11:55 a.m. (MDT) on September 29, 2006 I received a telephone call. When I answered, I heard a recorded message advising that this call was a 60-second poll. The poll included the following questions (approximate):

1. Do you intend to vote in the 2006 election?
2. Do you intend to vote for Sen. Conrad Burns?
3. Do you intend to vote for Jon Tester?
4. Do you think parents should have the right to choose their child's school?
5. Do you think marriage should be defined as between one man and one woman?
6. If you knew the following information about Jon Tester — the information that followed implied that Jon Tester would raise taxes, including references to Tester's record that have appeared in Sen. Burns' commercials — and that Sen. Burns has never voted to increase taxes, would that change your opinion about Sen. Burns.

The recording included no disclaimer information.

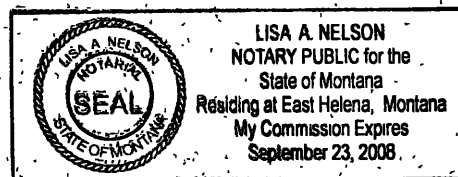
After completing the call, I contacted the Montana Commissioner of Political Practices office. I was advised that the office had received several complaints this morning regarding similar phone calls. I also was advised that it was a violation of state statute (45-8-216 M.C.A.) to use the telephone system to play recorded phone messages that promote political campaigns. I contacted the Federal Election Commission and was advised that it was a violation of federal regulations (11CFR 110.16) to place pre-recorded phone messages without disclaimer.

Because the call did not include a disclaimer, I do not know who was responsible for the call. However, based on the content of the final question, it is clear that the call was made either by Sen. Burns' campaign or by some other group working on behalf of his re-election. I do not have caller ID on my phone. I contacted Qwest. I was advised that they could determine the number from which the call originated. However, they could not release that information without a court order.

Thank you for attending to this complaint.

Sincerely,

John G. Mundinger
John G. Mundinger



Subscribed and sworn to before me on this day October 17, 2006.

Lisa A. Nelson
County: Lewis & Clark

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